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10 Attorneys for Defendant  
11 Aurora Dairy Corporation  
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13 UNITED STATES DISTRICT COURT FOR THE  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION

16 **BRENDA GALLARDO, on behalf of herself  
and all other similarly situated,**

17 **Plaintiff,**

18 **AURORA DAIRY CORPORATION, d/b/a  
19 AURORA ORGANIC DAIRY,**

20 **Defendant.**

Case No. 3:07-cv-05331-MJJ

21 **STIPULATED REQUEST FOR ORDER  
22 EXTENDING TIME FOR DEFENDANT  
23 TO ANSWER OR OTHERWISE PLEAD  
24 IN RESPONSE TO PLAINTIFF'S  
25 COMPLAINT AND ~~[PROPOSED]~~  
26 ORDER**

1 Pursuant to Civ. L. R. 6-2 and 7-12, Defendant Aurora Dairy Corporation ("Defendant" or  
2 "Aurora") and Plaintiff Brenda Gallardo ("Plaintiff" or "Gallardo") (collectively, the "Parties"),  
3 by and through their attorneys, hereby stipulate and agree to an order extending the time by  
4 forty-five (45) days for Aurora to answer or otherwise plead in response to Plaintiff's Complaint.  
5 For the reasons set forth below, the parties stipulate that, subject to Court approval, Defendant's  
6 pleading deadline shall be extended up to and including December 28, 2007.

### 7 STIPULATION

8 1. The instant lawsuit is one of several class action lawsuits recently filed against  
9 Aurora. These actions are currently pending in different judicial districts before different federal  
10 judges.

11 2. On October 19, 2007, plaintiffs in one of the foregoing suits filed a petition,  
12 pursuant to 28 U.S.C. § 1407 (2000), with the Judicial Panel on Multidistrict Litigation to transfer  
13 the lawsuits to a single court for coordinated pretrial management. See Motion of Plaintiffs  
14 Rebecca and Fernando Freyre For Transfer And Coordination Or Consolidation Under 28 U.S.C.  
15 § 1407, Ex. A hereto.

16 3. Aurora believes that an extension of time pending the J.P.M.L.'s ruling is necessary  
17 and appropriate to prevent unfair prejudice and a waste of resources. See, e.g., Rosenfeld v.  
18 Hartford Fire Ins. Co., Nos. 88 Civ. 2153 (MJL), 88 Civ. 2252 (MJL), 1988 WL 49065, at \*1  
19 (S.D.N.Y. May 12, 1988). Aurora believes that it should not be required to answer or otherwise  
20 plead prior to the resolution of the consolidation motion pending before the Multidistrict Panel.  
21 See id.

22 4. Aurora further believes that an extension of time pending a ruling by the  
23 Multidistrict Panel is necessary and appropriate in order to conserve judicial resources in the  
24 management of the instant lawsuit. See, e.g., Rivers v. Walt Disney Co., 980 F. Supp. 1358, 1362  
25 (C.D. Cal. 1997). By granting an extension of time, the Court will avert the possibility of the  
26 needless expenditure of time and energy and will avoid potential duplication of case management.  
27 See id. at 1360.

28 5. Plaintiff has no objection to extending the time for Aurora to respond for 45 days.

1           6.     No prior extensions of time have been sought by the Parties.

2            7.        The requested extension will not affect the current case schedule in any way.

3           8.       The parties hereby STIPULATE that subject to Court approval, Aurora's pleading  
4 deadline shall be extended forty-five (45) days from the date prescribed by the Federal Rules of  
5 Civil Procedure, up to and including December 28, 2007.

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7 Dated: November 13, 2007

Respectfully submitted,

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LATHAM & WATKINS LLP

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By: Viviann C. Stapp /s/

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Attorneys for Defendant  
Aurora Dairy Corporation

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Dated: November 13, 2007

Respectfully submitted,

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BRAMSON, PLUTZIK, MAHLER &  
BIRKHAUSER, LLP

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By: Robert Bramson /s/

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Attorneys for Plaintiff Brenda Gallardo

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20 Filer's Attestation: Pursuant to General Order No. 45, § X(B), I attest that concurrence in  
21 the filing of this document has been obtained from its signatory.

22 Dated: November 13, 2007

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1 ~~PROPOSED~~ ORDER

2 The Court having considered the Parties' Stipulated Request for Order Extending  
3 Time for Defendant to Answer or Otherwise Plead in Response to Plaintiff's Complaint, and good  
4 cause appearing, IT IS HEREBY ORDERED that the request is GRANTED. Defendant's  
5 pleading deadline shall be extended up to and including December 28, 2007.

6 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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8 DATED: 11/19/07

